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 NORTHERN DISTRICT OF CALIFORNIA
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UNITED STATES DISTRICT COURT,
 NORTHERN DISTRICT OF CALIFORNIA,
 SAN FRANCISCO DIVISION

Civil

1035

WILLIAM DIPMAN,) Case No.:
)
Plaintiff,) COMPLAINT AND DEMAND FOR
) JURY TRIAL
v.)
) (Unlawful Debt Collection Practices)
NORTHSTAR LOCATION SERVICES, LLC,)
)
Defendant.)

VERIFIED COMPLAINT

WILLIAM DIPMAN (Plaintiff), by his attorneys, KROHN & MOSS, LTD., alleges the following against NORTHSTAR LOCATION SERVICES, LLC (Defendant):

INTRODUCTION

- Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. (FDCPA).
- Count II of the Plaintiff's Complaint is based on Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code §1788 et seq. (RFDCPA).

JURISDICTION AND VENUE

- Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court

without regard to the amount in controversy,” and 28 U.S.C. 1367 grants this court supplemental jurisdiction over the state claims contained therein.

4. Defendant conducts business in the state of California, and therefore, personal jurisdiction is established.

5. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

PARTIES

6. Plaintiff is a natural person residing in Napa, Napa County, California.

7. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3), and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5) and Cal. Civ. Code § 1788.2(h).

8. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6) and Cal. Civ. Code § 1788.2(c), and sought to collect a consumer debt from Plaintiff.

9. Defendant is a national company with its headquarters in Cheektowaga, New York.

FACTUAL ALLEGATIONS

10. Defendant constantly and continuously places collection calls to Plaintiff seeking and demanding payment for an alleged debt.

11. Defendant calls Plaintiff on his home telephone at 707-266-1071 and on his girlfriend’s cellular telephone at 818-800-9984.

12. Defendant calls Plaintiff up to three (3) times a day on the calls Plaintiff. Calls include but are not limited to:

888-820-0963	12/11	11:28am	Cellular
888-820-0963	12/11	11:24am	Home
888-820-0963	12/06	05:03pm	Home
888-820-0963	12/01	09:28am	Home
888-820-0963	12/01	09:30am	Cellular

1 888-820-0963 11/29 05:08pm Home
 2 888-820-0963 11/29 05:08pm Home
 3 888-820-0963 11/29 05:09pm Cellular
 4 888-820-0963 11/23 11:24am Home

5 13. Defendant disclosed Plaintiff's alleged debt to Plaintiff's girlfriend by leaving messages
 6 informing that the calls are from a debt collector (see Exhibit A).

7 14. Defendant left messages for Plaintiff failing to state that the call is from a debt collector
 8 (see Exhibit A).

9 **COUNT I**
 10 **DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

11 15. Defendant violated the FDCPA based on the following:

- 12 a. Defendant violated §1692c(b) of the FDCPA by communicating, in connection
 13 with the collection of Plaintiff's alleged debt, with Plaintiff's girlfriend by
 14 leaving voicemails for Plaintiff stating that the call is from a debt collector on her
 15 cellular telephone.
 16 b. Defendant violated §1692d of the FDCPA by engaging in conduct the natural
 17 consequences of which are to harass, oppress, and abuse Plaintiff in connection
 18 with the collection of an alleged debt.
 19 c. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring
 20 repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.
 21 d. Defendant violated §1692e(11) of the FDCPA by failing to disclose in
 22 subsequent communications that the communication is from a debt collector.

23 WHEREFORE, Plaintiff, WILLIAM DIPMAN, respectfully requests judgment be
 24 entered against Defendant, NORTHSTAR LOCATION SERVICES, LLC, for the following:

25 16. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, 15
 U.S.C. 1692k,

1 17. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act,
2 *15 U.S.C. 1692k*

3 18. Any other relief that this Honorable Court deems appropriate.

4 **COUNT II**
5 **DEFENDANT VIOLATED THE ROSENTHAL FAIR DEBT COLLECTION**
6 **PRACTICES ACT**

7 19. Plaintiff repeats and realleges all of the allegations in Count I of Plaintiff's Complaint as
8 the allegations in Count II of Plaintiff's Complaint.

9 20. Defendant violated the RFDCPA based on the following:

10 a. Defendant violated §1788.11(d) of the RFDCPA by causing Plaintiff's telephone
11 to ring repeatedly and continuously so as to annoy Plaintiff.

12 b. Defendant violated §1788.11(e) of the RFDCPA by placing collection calls to
13 Plaintiff with such frequency that was unreasonable and constituted harassment.

14 c. Defendant violated §1788.12(b) of the RFDCPA by communicating information
15 regarding Plaintiff's alleged debt to Plaintiff's girlfriend by leaving message on
16 her cellular telephone stating that the call is from a debt collector.

17 d. Defendant violated the §1788.17 of the RFDCPA by continuously failing to
18 comply with the statutory regulations contained within the FDCPA, *15 U.S.C. §*
19 *1692 et seq.*

20 WHEREFORE, Plaintiff, WILLIAM DIPMAN, respectfully requests judgment be entered against
21 Defendant, NORTHSTAR LOCATION SERVICES, LLC, for the following:

22 21. Statutory damages of \$1,000.00 pursuant to the Rosenthal Fair Debt Collection
23 Practices Act, *Cal. Civ. Code §1788.30(b)*,

24 22. Costs and reasonable attorneys' fees pursuant to the Rosenthal Fair Debt Collection
25 Practices Act, *Cal. Civ Code § 1788.30(c)*, and

23. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, WILLIAM DIPMAN, demands a jury trial in
this cause of action.

DATED: February 21, 2011

RESPECTFULLY SUBMITTED,

KROHN & MOSS, LTD.

By: _____

Mahadhi Corzand
Attorney for Plaintiff

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF CALIFORNIA

Plaintiff, WILLIAM DIPMAN, states as follows:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, WILLIAM DIPMAN, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

DATE: 1/17/11
WILLIAM DIPMAN

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EXHIBIT A

William Dipman v. Northstar Collection Services

December 1st

Hello Will, this is Chris with the Northstar Company. I need a return call at 1-888-820-0963 and my direct extension is 700. I do have a very important business matter here in the Northstar office that does require your attention. This is not a solicitation or sales call. This is an attempt to collect a debt. Any and all information obtained will be used for that purpose. I look forward to speaking with you and you have a great day.

December 20th

This message is for William Dipman. My name is Susie Smith with Northstar Location Services calling you in reference with some confidential paperwork I have here in the office, do need _____. The number here is 1-888-820-0963, extension 1538. This is an attempt to collect a debt and any information obtained will be used for that purpose.

This message is for William Dipman. This is Mr. Pearson calling from Northstar. We have left several messages for you, yet we have not had a return call. Today is November 29th and I do require a call today. The number here is toll free 1-888-820-0963, my direct extension is 1856. Again today is November 29th and I do require a call today. The number again here is toll free 1-888-820-0963, extension 1856.